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Third special session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 May 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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General debate (continued)

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The meeting was called to order at 10.35 a.m.

GENERAL DEBATE (continued)

1. Mr. ZAHRAN (Observer for Egypt) said he deplored the fact that, after the adoption of the 1993 Cairo Declaration establishing a mechanism for the prevention and management of conflicts in Africa and at a historic moment for the continent when a new democratic society was being established in South Africa and the democratization process was continuing in other countries, the entire world was witnessing a new human tragedy in an African country and the Commission on Human Rights was having to meet in a special session to decide what should be done to cope with it.

2. His Government had closely followed all the developments in the situation in Rwanda, and President Mubarak, in his capacity as current President of the Organization of African Unity, had spared no efforts to prevent the situation from deteriorating further and to find a peaceful solution to the conflict. Those efforts had, unfortunately, been fruitless, for the hostilities had not ceased and flagrant human rights violations and an actual criminal genocide were being perpetrated in that country. As the High Commissioner for Human Rights had recommended, it was vital that the international community should take steps to identify the persons responsible for the atrocities and to resolve the disturbing problem of the influxes of Rwandese refugees into the neighbouring countries and the situation of the displaced persons within the country. His delegation appealed to the two parties to the conflict to put an end to the massacres of innocent civilians and endeavour to settle the conflict on the basis of the Arusha Peace Accords so as to restore national peace and unity. The countries bordering on Rwanda should also continue their efforts in that direction, as should the entire international community, to guarantee the right to life of all Rwandese.

3. His delegation fully approved the Security Council's decision to expand the mandate of the United Nations Assistance Mission in Rwanda (UNAMIR) and hoped that the new troops would be rapidly deployed. It urged all the members of the international community to respond promptly to the request so as to help UNAMIR fulfil its mission effectively. In that connection, it congratulated all States and non-governmental organizations, as well as UNHCR and the International Committee of the Red Cross (ICRC) on their humanitarian activities in extremely difficult conditions in Rwanda, and it invited all donor countries to make further contributions to the programmes for assistance to the victims of the civil war. In that connection, it asked the parties to the conflict to guarantee the safety of the members of those organizations in carrying out their work. His Government endorsed the idea of preventive diplomacy and was in favour of the establishment, with support from the international community, of a special mechanism for conflict settlement of the type provided for in the 1993 Cairo agreements, to deal with the serious problems being experienced by the African continent, in conformity with the Charter of the United Nations.

4. Mr. POKU (Observer for Ghana) said that the unacceptable human rights violations being committed in Rwanda were perhaps even more shocking than those in Bosnia and Herzegovina, which had occasioned the Commission's first two special sessions. His delegation therefore commended Canada for

requesting, with the support of over 40 other States members of the Commission, the convening of a third special session of the Commission on Rwanda. It shared those delegations' concern at the senseless killings occurring in that country and would associate itself with any action resulting from the session that might help to stop them.

5. His Government was well aware that the situations created by armed conflicts did not usually lend themselves to the observance of human rights, as had been seen in Liberia, Somalia and Bosnia. But it was precisely because the Commission on Human Rights was the international community's moral conscience that it should send a clear message to the warring factions in Rwanda that the international community could no longer tolerate the indiscriminate slaughter, which some had rightfully qualified as genocide. Nevertheless, all delegations agreed that the Commission could not address the protection of human rights and fundamental freedoms in Rwanda without the presence of a neutral international force. His delegation was thus gratified that, on 17 May 1994, the Security Council had unanimously adopted a resolution authorizing an expansion of UNAMIR force level up to 5,500 to provide humanitarian aid to Rwandese refugees. The imposition of a mandatory arms embargo was also a pertinent measure, as was the expansion of UNAMIR's mandate - which his delegation also approved - to help provide refugees and civilians with security and protection by establishing secure humanitarian areas and relief operations. To fulfil that mandate, UNAMIR would need additional support by way of equipment; his delegation therefore appealed to all the members of the international community to accept their responsibilities in that regard.

6. The time had come to act. His delegation would support any action taken by the Commission that would strongly condemn the grave violations of human rights and fundamental freedoms and breach of international humanitarian law in Rwanda and send a clear message to their perpetrators that they would not go unpunished; achieve an immediate cessation of hostilities to ensure the safe delivery of humanitarian assistance to the needy; encourage the continuation of the Arusha peace process to find a durable solution to the political and ethnic problems in Rwanda; appoint a special rapporteur to investigate the human rights violations and recommend appropriate action by the Commission; and increase the material, financial and human resources needed to accomplish those tasks.

7. He expressed his delegation's gratitude to the relief agencies, in particular UNHCR, and the ICRC and other non-governmental organizations, whose officials were working, often in very difficult conditions, to bring relief to the innocent victims of the Rwandese conflict. It also wished to thank all the States that had provided financial and logistic support for the humanitarian assistance efforts in Rwanda.

8. Mr. MTANGO (Observer for the United Republic of Tanzania) thanked the delegation of Canada for having taken the initiative of requesting the convening of a special session of the Commission on Human Rights on the situation in Rwanda, which the African Group and all other regional groups fully supported. He also thanked the High Commissioner for Human Rights,

whose visit to Rwanda in precarious security conditions had contributed in no small measure to sensitizing the international community to the awesome internal conflict raging in that country.

9. His delegation believed that the Commission should send a very clear message to the perpetrators of the violence in Rwanda that the international community could not condone such violations of human rights and flagrant disregard for international humanitarian law and that destroying a particular ethnic group was totally unacceptable and a crime punishable under international law. In that connection, it fully supported all initiatives aimed at putting an immediate end to the hostilities and the killings. The massacres should be thoroughly investigated in order to establish individual and collective responsibility in accordance with internationally recognized principles of fairness and justice. Coordinated international action should also be taken to alleviate the suffering of all displaced people in Rwanda and Rwandese refugees in neighbouring countries like his own, which did not have the means to absorb such a massive influx of refugees and needed assistance to handle it. His delegation was grateful to the countries and international agencies engaged in bringing humanitarian assistance to those refugees and called upon the international donor community to increase its assistance. International solidarity was indispensable to cope with that human tragedy. Efforts to resolve the Rwandese crisis in the context of the Arusha peace process, in which the President of Tanzania had played an active part, should continue. However, the implementation of the Arusha Accords would depend on the cooperation of all parties involved in the conflict. As a military solution was unlikely to resolve the Rwandese conflict, all the parties involved must be persuaded to engage in negotiations aimed at bringing a peaceful and lasting solution to the conflict.

10. Mr. TARRE MURZI (Venezuela) said that the Rwandese conflict was not a war between rival tribes, as was too often alleged, but the result of a deliberate mutual extermination policy, the bloodiest and most appalling to take place as the century came to an end. That "journey to the ends of horror", as a French journalist had put it, had resulted in over 200,000 deaths and over 400,000 refugees. It was not a civil war, but the cruellest genocide to have been perpetrated since Hiroshima and Nagasaki. The cruelty of the acts committed in Rwanda exceeded all previous wars and were a manifestation of barbarity unimaginable in modern times. What was happening in Rwanda was an offence to all mankind; it was not an internal struggle between Hutu and Tutsi tribes but an insane collective killing spree. His delegation thus unreservedly supported the proposals of the United Nations High Commissioner for Human Rights. The international community had no choice. It must take strong and urgent measures to end the slaughter. It could not stand idly by in the face of so many horrors; not only the prestige of the United Nations but the future of mankind was at stake: genocide and barbarity could not be tolerated. Abstract resolutions, however well-intentioned they might be, were not capable of eliminating them. Only strong and practical action by the major Powers represented in the Security Council and the Commission on Human Rights could do so, since doing nothing to prevent a crime or punish its perpetrators was worse than the crime itself.

11. Mrs. PAZ-CAMPOS (Mexico) said that her delegation had not hesitated to support the convening of a special session of the Commission on Human Rights, because of the exceptionally grave nature of the crisis in Rwanda. The steps taken by the Security Council to deal with that crisis were consistent with its powers, and the decisions to be taken by the Commission should also be within its mandate so as to avoid any confusion or overlapping that might cause it to lose its credibility.

12. In the terms of the resolution to be adopted by the Commission, all the parties to the conflict should undertake to guarantee respect for human rights and humanitarian law in Rwanda. It was the Rwandese people that had the primary responsibility of engaging in a national reconciliation process, restoring the rule of law and prosecuting all those responsible for human rights violations. The international community, and especially the United Nations, should of course provide support for the efforts made by the Rwandese people. Her delegation acknowledged, in that connection, the leading role played by the Organization of African Unity. In conclusion, she was convinced that the Commission on Human Rights would take appropriate decisions to put an immediate end to the abuses and violations of human rights being committed in Rwanda.

13. Mr. REYN (Observer for Belgium) said that his delegation fully endorsed the position of the European Union as expressed the previous day by the observer for Greece. The genocide and other human rights violations being committed in Rwanda since 6 April were the result of ethnic tensions that had already caused other bloody conflicts in the past and that had recently been exploited for political purposes. Many countries, including his own, and non-governmental organizations had nevertheless done their best to ensure that human rights were more effectively respected in Rwanda. The neighbouring countries, the OAU and several Western countries had patiently encouraged the parties to work towards a compromise. For its part, the United Nations had taken on extra commitments to encourage the implementation of the Arusha Accords. The UNAMIR operation had been a response to a request from the Rwandese parties, which had guaranteed it "complete safety". The murder of 10 UNAMIR peace-keepers, in contempt of the most basic principles of international humanitarian law, should be thoroughly investigated. UNAMIR had a specific mandate under the Arusha Accords conferred on it by the Security Council; that being the case, certain insinuations made at the previous meeting concerning its activities were regrettable.

14. If it had unfortunately not been possible to re-establish a lasting peace in Rwanda, that was because of a secret policy being pursued there for months, as witnessed by the stockpiling of weapons, radio broadcasts of incitement to racial hatred, acts of intimidation and violence and the drawing-up of lists of people to be "eliminated". The assassination of the Presidents of Rwanda and Burundi had provided an ideal opportunity for the radical groups to rush in and set off the killings. The international community must do its utmost to prevent such catastrophes from recurring.

15. It was the Commission's duty to demand that all persons responsible for violations of international humanitarian law and human rights and, more particularly, all acts having the characteristics of genocide in Rwanda should be identified and tried. His delegation therefore fully supported

the High Commissioner's proposals designed to facilitate exhaustive inquiries into all aspects of the human rights situation in Rwanda through the appointment of a special rapporteur and the sending of observers. In the meantime, it urged the parties to show humaneness to the people under their control and, in particular, to respect the elementary rights of detainees.

16. Mr. DIENG (International Commission of Jurists) said that, at a meeting between himself and President Habyarimana four days before the latter's tragic death, the President had agreed that the perpetrators of serious human rights violations must be prosecuted. The President had invited him to send ICJ judges and expert jurists to Kigali to investigate the allegations and prepare the cases. He had pointed out to the President, however, that his insistence on including the Coalition for the Defence of the Republic (CDR), reputed to be a party of Hutu extremists, might lead the country to disaster. On the eve of that meeting, he had travelled to Mulindi under a UNAMIR military escort to meet the President of the Rwandese Patriotic Front (FPR). The President of the FPR had said that he opposed any amnesty measures, which he considered would only make the situation worse.

17. If the recommendations made by Mr. Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, in his report to the Commission at its fiftieth session (E/CN.4/1994/7/Add.1) had been even partially implemented, they might have helped to avoid the tragedy being experienced by the Rwandese people. As early as 1990, his organization had filed the first complaint against Rwanda for a pattern of gross violations of human rights before the African Commission on Human and Peoples' Rights: the case was still pending. It was deplorable therefore that, despite warnings from many NGOs and from the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had transmitted a file on Rwanda, the Commission had not made the slightest condemnation. That had given the perpetrators of serious human rights violations a feeling of impunity. They had felt all the safer because of the support they had received from one or two old European democracies which had supplied them with lethal weapons. The initiative of the High Commissioner for Human Rights had been a courageous one but was inadequate in the current context in Rwanda. At the current special session on Rwanda, the Commission on Human Rights must do at least as much as had been undertaken in the case of the former Yugoslavia. Serious consideration should be given to appointing a special rapporteur to investigate gross violations of human rights in Rwanda.

18. Although an international military presence in Rwanda was morally justified, it was nevertheless preferable to concentrate on examining the root causes of the tragedy. His organization hoped that a clear and precise commitment would emerge from the Special Session. The Special Rapporteur on extrajudicial, summary or arbitrary executions was familiar with the situation in Rwanda, and there were enough concordant depositions to identify the Rwandese civilian and military personnel who had been guilty of crimes against humanity and gross violations of human rights. The previous year, his organization had suggested the urgent establishment of an international standing criminal court to try the perpetrators of serious human rights violations. Pending the establishment of such a court, it urged the Commission to recommend that an international court be set up to try the perpetrators of the crimes committed in the territory of Rwanda.

Another possibility would be temporarily to extend to Rwanda the mandate of the tribunal on the former Yugoslavia. Lastly, he stressed the Commission's heavy responsibility towards history, for the Rwandese tragedy was fraught with dangers, not only for Burundi and the other neighbouring countries, but also for international peace and security.

19. Mr. ZOLLER (International Service for Human Rights) said that, for at least two years, everyone in the Commission had known what was happening in Rwanda but nobody had done anything about it. That inertia was due to the fact that the Member States of the Commission were more inclined to protect their own interests than to be moved by the fate of peoples. Although the NGOs that dared to denounce the many serious and mass violations of human rights came in for much abuse, restraint was the order of the day when it was a question of taking action. The Commission was, as a result of that enervation, losing its sensitivity to the cries of the peoples and hence its very capacity to react when informed of a case of genocide. Over and beyond the Rwanda crisis, therefore, the question arose why the Commission was gradually going astray and giving too many repressive regimes, year after year, the comfort of impunity.

20. Several Western countries had a heavy responsibility in Rwanda, while the African countries were trying to avoid further opprobrium. The representative of Rwanda had, the day before, made an improper statement which had gone so far as to incite racial hatred. The time had come to act and to launch an assault against the bastion of impunity. The murderers in Rwanda, the extremists in Burundi and the dictators throughout the world should be sent an unequivocal message that all murderers would be prosecuted, tried and punished. To that end, the Commission should appoint a special rapporteur to travel to Rwanda with the thematic reporters, to cooperate with the observers there and to submit periodic reports to the Commission, the General Assembly and the Security Council. An international commission of inquiry should also be appointed and an international criminal tribunal established. The financial and human resources of the Secretariat should be increased accordingly. When the delegations were negotiating a draft resolution, therefore, the financial argument should not be allowed to emerge again. It was really not the time to haggle over the bills, while millions of starving people were waiting. It should also be remembered that prevention was better than cure: when the NGOs had been issuing warnings about Rwanda, preventive action had still been possible, and would have been much less costly, particularly in terms of human lives.

21. Mr. GILLET (International Federation of Human Rights) said that, on 6 April 1994, only a few minutes after the aircraft carrying the Presidents of Rwanda and Burundi had been brought down, the Rwandese army, including the Presidential Guard, and the militias of the National Republican Movement for Democracy and Development (MRND) - the former single party - and the Coalition for the Defence of the Republic (CDR) had begun setting up roadblocks in Kigali and murdering Hutu and Tutsi members of the opposition parties. The Presidential Guard had arrived at the homes of opposition members according to an apparently pre-established plan. The next day the war between the Rwandese Armed Forces (FAR) and the Rwandese Patriotic Front (FPR) had resumed. The killings had spread throughout the country. On 19 April, the Rwandese authorities had replaced the provincial prefects in Butare and Kibungo,

who had been able until then to ward off the violence; in the ensuing hours, the Presidential Guard had arrived in those provinces and the ethnic massacres had begun.

22. The killings perpetrated by the Rwandese authorities and the armed militias of the two parties close to the Government had been the culmination of a strategy followed since the outbreak of war with the FPR in October 1990, whereby the entire Tutsi ethnic group was described as accomplices of the FPR and Hutus favourable to power-sharing with the Tutsis were called enemies of the nation. Several massacres, especially of Tutsis, had already taken place, in the north-west of the country in February 1991, in Bugesera in March 1992, and later in Kibuye, Cyangugu, Kibungo, etc. They had been described in detail by human rights defence organizations and by the International Commission of Inquiry on Violations of Human Rights in Rwanda (in which the International Federation of Human Rights had participated) in its report published on 8 March 1993. They had been acknowledged by the Rwandese Government itself, in a statement of 7 April 1993 signed by the President of the Republic and the Prime Minister and attested by the Special Rapporteur on extrajudicial, summary or arbitrary executions in his report to the Commission (E/CN.4/1994/7/Add.1).

23. The Rwandese authorities had organized and trained armed militias, and the national radio station (Radio Rwanda) and the "Radio Mille Collines" station, most of whose shareholders were close to the authorities, had for months been broadcasting incitements to ethnic hatred. In the weeks before President Habyarimana's death, the incitements had taken the form of calls for the murder of specific Rwandese citizens. Since 6 April, Radio Mille Collines had been systematically used as a means of communication between the authorities and the militias. During the two weeks preceding the President's death, the heads of Rwandese human rights defence organizations had alerted international public opinion to the operations being prepared against the opposition to the President or anyone who criticized his obstruction of the Arusha Accords. The massacres had become systematic, with the militias moving from the cleansed regions to those that had not yet been cleansed. When they met with resistance, they asked for reinforcements from the army, which had also taken part in the massacres. All those massacres had resulted in 200,000 to 500,000 victims, and over 2 million people had been driven out to the roads and to neighbouring countries; they were in danger of death from injuries, disease and malnutrition.

24. The information already in the possession of the human rights defence organizations indicated that it was possible to determine the murderers' identity from the highest to the lowest level. If the United Nations and its Member States did not establish the means of effectively punishing those responsible for the crime of genocide and crimes against humanity, there would be no hope for human rights in the future. The crimes being committed were also crimes against the peace, for their goal was to prevent the implementation of the Arusha Accords.

25. His organization believed that the Commission's action should be threefold. First, responsibilities must be determined: the Commission should appoint a special rapporteur to establish the facts and identify those responsible; his mandate would be in keeping with the seriousness of the

situation. The special rapporteur should also submit his conclusions and recommendations to the Security Council. Secondly, those responsible must be punished and, to that end, his organization requested the establishment of an international criminal tribunal to judge the mass violations of human rights in Rwanda, whether committed before or after 6 April 1994. Thirdly, new human rights violations must be prevented by authorizing the deployment of permanent observers as part of an early-warning network. That role should be played primarily by the members of UNAMIR.

26. Mr. ZACHARIAH (Médecins sans frontières) said he could provide some eye-witness accounts of human rights violations and atrocities in Butare, Rwanda. On 22 and 23 April 1994, at the Butare University Hospital, where MSF had been working, 150 to 170 Tutsi patients, including wounded children, had been taken out individually and either beaten or hacked to death behind the hospital. MSF staff had seen the cadavers. Three nurses had also been killed, one of them a pregnant Hutu woman, because she was married to a Tutsi. On 20 April, in the Saga-1 and Saga-2 refugee camps, 30 km from Butare, all MSF local staff (Hutu, Tutsi and Zairian) had been rounded up by the militia and gendarmerie. The Hutu staff had been forced to kill their Tutsi colleagues, and those who refused had themselves been killed. The Tutsis, 35 in number, had been hacked to death or shot. The story had been revealed by the Zairian staff members who had been freed. On 19 April 1994, on the road between Butare and the Burundi border, the landscape had been dotted with piles of human bodies, mainly women and children. They were Tutsis who had been taker out from their communities and killed. Seven hundred metres from the Burundi border, about 80 people had been seen running towards the border, chased by a group of militiamen armed with machetes. An old man had been killed in front of members of the MSF staff. The other fugitives had managed to reach the border, but another group of militiamen had been waiting for them there; only 10 people had managed to cross; the others had been massacred.

27. Those massacres, which were no less than genocide, were continuing, and those responsible were the militia (Interhamwvie) and radical elements of the interim Government. There were four questions that the Commission on Human Rights should ask itself: firstly, how civilians could be protected in the conflict; secondly, how hospitals and aid personnel could be protected to enable humanitarian work to be carried out; thirdly, what options there were for avoiding such a situation in the future; and, fourthly, what could be done to bring the killers to justice?

28. Mr. MONOD (War Resisters' International (WRI)) said that the international organizations had long since warned the High Commissioner for Refugees of the disturbances brewing in Rwanda. The serious events of April, had thus been no surprise to anyone familiar with the political situation in that country. Such ethnic conflicts were, unfortunately, becoming more and more frequent. That was so, for instance, in Armenia, Azerbaijan, the Caucasus and Bosnia. Civil wars were proliferating: Afghanistan, Liberia, Angola, Somalia and Yemen. It was urgent to denounce and prevent such atrocities.

29. To that end, the United Nations should send observers to areas where conflicts were likely to deteriorate into armed confrontations. Such observers would report to an arbitration commission so that a peaceful

solution could be found. That was how the Arusha Accord had been reached; unfortunately, it had not been sufficient. To prevent recourse to weapons, all armies, whether rebel armies or governmental armies, should be outlawed. Indeed, governmental armies appeared to be as dangerous to the civilian populations as rebel armies.

30. All armies should therefore be abolished, by a United Nations resolution, and an effective guarantee given to countries that complied with that resolution. The manufacture, export and use of weapons should also be prohibited. People could not be prevented from using machetes and knives, but civilians could be protected by an international police force, as soon as disturbances became foreseeable. The local police should be used only to maintain day-to-day order in the country. In conclusion, an international monitoring commission should ensure that the prohibition of armies was enforced, and economic and political sanctions should be taken against anyone who violated the prohibition.

31. Mr. LIEBLING (Minority Rights Group) said that his organization was horrified by the reports it received each day of the genocide being perpetrated in Rwanda. Once again the international community, including the United Nations, could be accused of doing too little too late, where there was a threat to the peace and security of a region and its inhabitants. The violence had escalated into open conflict on 6 April. On 21 April, the Security Council had reduced UNAMIR to 270 men. The Secretary-General of the Organization of African Unity had strongly condemned that decision. It was only after the death toll had reached hundreds of thousands that the Security Council had authorized the expansion of the United Nations troops to 5,500 men.

32. The violence was rooted in ethnic tensions aggravated by political differences. Those tensions and the situation of the refugees wishing to return home had never been addressed. One of the consequences was that politically-motivated gangs had been mobilized to take part in mass killings of the Tutsi minority, although Hutus had also been killed. The extent of culpability was not the main issue for the moment; what was of vital importance was that the mass killing of innocent civilians should be halted immediately.

33. To that end, the United Nations should strengthen the role of UNAMIR and the United Nations High Commissioner for Human Rights should facilitate an immediate and lasting peace initiative, with the participation of the parties concerned and the neighbouring countries and in cooperation with the Organization of African Unity. It should also appoint a special rapporteur to investigate the situation in Rwanda and report to the High Commissioner for Human Rights on modalities for conflict resolution. It should also guarantee the safe passage of citizens to neighbouring countries, enable access of aid to the refugees and facilitate their rehabilitation once peace had been restored. The conflict in Rwanda re-emphasized the urgency of establishing early-warning and dialogue mechanisms to prevent further tragedies.

34. Mr. BALIAN (Human Rights Advocates) said he noted with concern that the 500,000 victims of mass slaughter in Rwanda were often referred to as the victims of a civil war. It was true that thousands had been killed in combat,

but the hundreds of thousands who had been killed in the course of a deliberate attempt to destroy the Tutsi minority group could not be so qualified. Some humanitarian workers estimated that one half of the Tutsi population had been exterminated. That was quite obviously genocide, and the international community would be remiss if it lumped all the victims into the category of civil-war victims; to do so would be tantamount to granting the criminals impunity.

35. His organization's second area of concern was the inability of the international human rights community to respond to early warnings before a situation went out of control. For example, at its fiftieth session, the Commission had failed even to adopt a resolution on the situation in Rwanda, despite many warnings of impending calamity in that country.

36. His organization recommended that the Commission should categorize the crimes committed in Rwanda as crimes against humanity; ensure that those responsible for the crimes did not go unpunished, so that such atrocities would not recur, by convening an ad hoc international criminal tribunal; appoint a special rapporteur to monitor the human rights situation in Rwanda; review its own role during the early stages of the conflict to determine ways in which it might address similar early warnings more effectively; and, following the conflict, provide technical assistance in the field of human rights promotion and protection.

37. Mr. DOTRIDGE (Amnesty International) said that his organization welcomed the holding of the special session but noted with regret that the Commission on Human Rights had contributed to the failure of the international community to prevent mass slaughter in Rwanda. The Commission's own Special Rapporteur on extrajudicial executions had made 12 detailed recommendations following his mission to Rwanda in April 1993. Yet, one month before the killings began, the Commission had failed to ensure that the Government implemented those measures. The Security Council had decided to increase its peace-keeping force in Rwanda but had taken few specific human rights measures. The Commission must therefore act immediately to protect civilians and develop a longer-term human rights programme to help prevent such mass killings ever happening again.

38. The killing of at least 200,000 people in Rwanda, most of them Tutsis, had been systematic and condoned at the highest level of the Government and military. Within hours of the death of the President of Rwanda, the militias affiliated to the Hutu parties (MRND and CDR) had begun to search for and kill Tutsis and Hutu opponents. His organization had also received some reports of killings of Government supporters in sectors controlled by the FPR. Official statements on the radio and at political rallies from 1990 onwards had revealed a genocidal intent. By early April 1994, the Government supporters had been both materially and psychologically prepared to carry out the massacres.

39. The Commission's own experts should carry out continuing investigations in the country of the human rights situation and make practical recommendations to the Commission. His organization supported the proposal for the appointment of a special rapporteur on Rwanda, whose most urgent task should be to go immediately to the region and report back to the Commission,

if necessary to a reconvened special session. The special rapporteur must be given sufficient material resources and the staff he needed to conduct investigations in the field. The Commission should, in particular, make use of its own thematic experts on extrajudicial executions, disappearances, torture, violence against women, racism and internally displaced persons.

40. His organization believed that one of the tasks of UNAMIR was to help protect civilians and others taking no part in the fighting. It was for the Commission to make strong recommendations to the General Assembly and the Security Council. The first stage should be the rapid return to Rwanda of the 52 United Nations civilian police monitors who had been evacuated to Kenya. Their number should be increased and their mandate expanded so that they could help to act as a dissuasive presence and report systematically on abuses committed by both sides. Furthermore, United Nations troops and other personnel must not remain silent witnesses to the killings. They should be instructed to report what they saw and what was reported to them. That would enable UNAMIR regularly to include human rights developments in the reports required by the Security Council.

41. As soon as feasible, a more comprehensive civilian human rights monitoring mission should be established, with the participation of the Organization of African Unity (OAU). The Commission should call for the human rights guarantees in the Arusha Peace Accords to be implemented. If there was strong national and international machinery to ensure that those commitments were honoured, the Accords could go some way towards preventing further human rights violations. The Commission must see to it that individuals who had committed gross human rights violations were brought to justice and that the victims and their families were compensated. The Commission's experts could assist in the reconstruction of the Rwandese judicial system. The mass killings in Rwanda showed yet again that it was vital for the United Nations to move swiftly to create a permanent international criminal court to try those responsible for war crimes, crimes against humanity, including genocide, and other serious human rights violations, wherever they occurred.

42. The Commission should encourage the establishment in Rwanda of an independent and impartial commission of inquiry whose task would be to reveal the truth about the systematic violations of human rights, analyse their causes and make recommendations for steps to prevent them ever happening again. In every aspect of human rights, the Commission should work closely with the OAU, which was playing an important role in addressing the crisis, and should support the high-level political and coordinating role of the United Nations High Commissioner for Human Rights and his part in developing a long-term human rights programme for Rwanda and Burundi.

43. His organization continued to believe that, at the current special session, the Commission should also have considered the situation in Burundi. Of course, human rights measures should be tailored to the specific needs of each country. But, given the close ties between Burundi and Rwanda, the situation in one country inevitably had an impact on the other. If the Commission once again failed to heed the advice of its own expert on extrajudicial executions to act on both Burundi and Rwanda, the cycle of violence would never be broken.

44. Mr. SOTTAS (World Organization against Torture) said that, on Tuesday 24 May 1994, his Organization had arranged a meeting of independent personages to seek ways of ending the atrocities being committed in Rwanda and of establishing a lasting peace in both Rwanda and Burundi. After hearing all the interested parties, those personages, namely, Mr. Hessl, Mr. Ndiaye, Mr. Ouedrago, Mr. Voyame and the Most Reverend Desmond Tutu, had appealed to all the parties involved, both civilian and military, to put an immediate end, without any prior conditions, to the killings of the civilian populations in Rwanda, to release all hostages and to stop obstructing the work of the humanitarian organizations and institutions. They had demanded that the media should immediately cease calling for murders and violence and had asked the Western countries to provide exceptionally large amounts of humanitarian, economic and financial assistance without delay and to make sure that it went directly to the populations affected. They had demanded that the States trading with Rwanda and Burundi should stop encouraging those countries to arm themselves at excessive cost given their scanty resources, which should be used as a matter of priority for meeting their peoples' basic needs.

45. General and impartial disarmament of the militias in those countries and a vast mine-clearance operation must be conducted. All interested parties should attach greater importance to dialogue and, with the help of United Nations representatives, special rapporteurs and experts, foster the establishment of institutions respecting fundamental rights. A State subject to the rule of law, in the spirit of the Arusha Accords, should be introduced forthwith and encouragement given to all initiatives aimed at strengthening civil society and the participation of the grass-roots communities, ensuring serious and effective protection of minorities, establishing an impartial and solid judicial system and reorganizing the security forces so that they would protect the people with complete impartiality and respect for the law. There was also a need to establish mechanisms to prevent violations of fundamental rights and combat the impunity that had fed intercommunity hatred in recent years.

46. The Most Reverend Desmond TUTU (World Organization against Torture) said that he came from a country where, only five years previously the police did not hesitate to open fire on anti-apartheid protestors with real bullets. Yet the people who had deeply suffered from apartheid, especially Nelson Mandela, who had spent 27 years in prison, had sat down at the negotiating table to construct a non-racist South Africa led by a Government of National Unity. Action by the international community had made a major contribution to the success of the country's transition towards democracy. What the international community had done for South Africa and Namibia it could also do for Rwanda, which was experiencing an appalling tragedy. The pictures of mutilated children and of bodies thrown into rivers could never be forgotten. It had been asserted that the situation in South Africa was insoluble and that the obstacles could not be overcome. Yet, if the South Africans could become reconciled and have the same President, the same flag and the same national anthem, then that was possible everywhere, not excluding Rwanda. In conclusion, he urged the parties in conflict to sit down at the negotiating table and find a solution for the good of their people, their children and their country.

47. Mrs. KABENGERA (Women's International League for Peace and Freedom) said that the purpose of her testimony was to inform the Commission of the details of the tragedy she had experienced in Rwanda, so that appropriate assistance could be given to the survivors and such situations avoided in the future in any country whatsoever.

48. She had been resident in a working-class quarter of the university city of Butare in southern Rwanda. After President Habyarimana's death on 6 April 1994, refugees from Kigali had told of massacres committed by the Presidential Guard and militiamen. Other refugees from Gikongoro, west of Butare, had told of masked killers travelling around in vehicles with governmental licence plates, acting in the full light of day. At the same time, the national radio station had been transmitting messages from President Sindikubwabo congratulating and encouraging the youth for helping the national army to hunt down the enemies and their accomplices. On Wednesday 20 April, the inhabitants of Butare had learned that massacres and looting had taken place in the town the night before. All the sources had indicated that the perpetrators were members of the army and the gendarmerie accompanied by a few civilians, mainly CDR militants, who had pointed out the victims' homes. Every night, neighbourhood meetings had been held in the rural communes and working-class quarters from which the Tutsis had been excluded. At those meetings, local leaders told fabricated stories according to which the Tutsis were planning to wipe out the Hutus on the following day at the latest. On Thursday 21 April, her mother, her only brother, her uncles, aunts, nephews, nieces and cousins had been gathered together on a plain and massacred with grenade-launchers and machine-guns from the surrounding hills; the wounded and survivors had been finished off by civilians. Two of her sisters-in-law - who had been spared because they were Hutus - had been chased from their home by their neighbours who wanted to appropriate their goods and lands. About 24 April, people who had come out of hiding, deceived by the soothing speeches of the Government and local authorities, had been murdered. On 4 May, the massacres had resumed, the victims that time being mainly women and girls, since the men and boys had been the first to be liquidated. On 11 May, thanks to help from her Swiss family and action by the Federal Department of Foreign Affairs, she had been able to leave Rwanda after weeks of anguish.

49. Her organization appealed to the Commission to act to ensure that adequate humanitarian assistance was brought to the victims as soon as possible, both inside and outside Rwanda. It recommended that the Commission should appoint a special rapporteur who, with the help of a team of experts, would immediately begin a thorough inquiry into human rights violations in Rwanda. The aim of the inquiry would be to identify the instigators and perpetrators of the genocide of which the Batutsis had been the victims and of the massacres of political opponents, Bahutus and others; to study the root causes of the killings in Rwanda and to make recommendations for correcting the inadequacies in the international human rights protection system. She also asked the Commission to recommend to the United Nations General Assembly the establishment of an international tribunal to try the perpetrators of the crimes committed in Rwanda.

50. Mrs. DESFORGES (Human Rights Watch Africa) said that it was not pleasant to speak of genocide, but that that was the right name for the horror in Rwanda. All must have the courage to use it. The massacres had been carefully prepared for months. Once the killers had been found, they had been trained, armed and psychologically prepared for action by hate-filled propaganda. Those targeted had tried in vain to notify diplomats, members of UNAMIR and staff of the international organizations in Kigali of the impending disaster. The goal had been the elimination of the Tutsis from Rwanda. The militias had systematically combed the regions in search of their victims. Perhaps half a million people (6 per cent of the national population) had been killed in a period of six weeks. The prior organization, the systematic nature and the scale of the massacres proved that the intent of the authors had been to destroy, in whole or in part, the Tutsis as a group within Rwanda. Other massacres had been committed earlier. Denounced by local and international human rights organizations, they had passed largely unnoticed by the international community, including the Commission on Human Rights. Unpunished, the killers had acted again, and everyone knew the results.

51. The authors of the Convention on the Prevention and Punishment of the Crime of Genocide had provided the international community with a weapon for combating that most loathsome of all crimes against humanity. The question was whether the international community would dare to use it. Any weakness on its part would send a message of encouragement to others who might be contemplating the same strategy, perhaps in Burundi. Calling people by their names was just as important as calling things by their names. Thus the people who had the power to end the killings should be named and challenged to do so: they were the party officials (Matthieu Ngirumpatse, President of the MRND, and Jean-Bosco Barayagwiza, head of the CDR), those with posts in the self-proclaimed Government (Theodore Sindikubwabo, Jean Kambanda, Augustin Bizimana, Justin Mugenzi and Eleazar Niyitegeka) and the military officers (General Bizimungu, Colonel Bagosora, Colonel Nkundiye, Colonel Mpiranya and Captain Simbikangwa). The Rwandese Patriotic Front had also been accused of massacring civilians, but her organization had found no evidence of large-scale massacres. It was not unlikely, however, that the FPR had summarily executed some individuals accused of being militia leaders.

52. She called upon the Commission on Human Rights to condemn the massacres of Tutsis by the militias and military in Rwanda as genocide; to condemn the systematic slaughter of Hutu members of the opposition as a violation of international humanitarian law; to call upon those responsible to end the genocide and other killings; to insist that impunity must not be granted to the accused as part of a peace settlement and, to that end, to delegate a representative to the peace talks to ensure that no deals were made with those accused of genocide; to ensure that the accused were brought to trial; to send a special rapporteur to investigate and report on the genocide and other violations of international humanitarian law; to call upon the FPR to take the necessary measures to protect civilians in the areas under its control; to ensure that all accused of complicity in genocide or other violations of international humanitarian law were arrested and to call upon the Member States of the United Nations to pledge not to recognize any regime that came to power through genocide.

53. Mr. TEITELBAUM (American Association of Jurists) said that, at its special session, the Commission should not simply express horror at the massacres being perpetrated in Rwanda and appoint a special rapporteur to count the victims. It must also adopt measures aimed at putting an end to the killings and combating the roots of the problem, which were social, economic, political and geopolitical. Unfortunately for Rwanda, it was located in Africa, a continent that had been being systematically looted for centuries by the large- and medium-sized Powers. Up to the late 1970s, many African countries had been making progress in the economic and social sphere, but the alliance of the neo-colonial Powers with the dominant élites of many of those countries had brought about a deterioration in the economic and social situation of a large part of the continent. That situation that had further deteriorated in the 1980s, because of the structural adjustment policies imposed by the IMF and World Bank despite the fact that the large- and medium-sized Powers had a trade surplus with Africa. The United States Under-Secretary of State for African Affairs had even stated before his country's Senate that the United States should guarantee itself access to the immense natural resources of Africa.

54. The Government of President Habyarimana - which had always enjoyed the support of the neo-colonialist Powers, especially France - had stirred up inter-ethnic conflicts by identifying all members of the opposition with the Tutsis, whether they were Hutus or Tutsis. As the Special Rapporteur on summary executions stated in his report on Rwanda, the Government had deliberately labelled the Tutsis in their entirety as accomplices of the Rwandese Patriotic Front, thus maintaining a climate of mistrust and terror that had led to the massacre of thousands of civilians. If Africa had been bled white, however, that was because it had been looted with the complicity of certain corrupt local élites which kept themselves in power with the military and economic aid of the neo-colonial Powers.

55. The massacres in Rwanda could be ended by sending not a war mission, as in Somalia, but a peace mission led by skilled negotiators representing the international community and not a single Power or group of Powers. The special rapporteur to be appointed should be an independent personage who would inquire not only into human rights violations but also into the social, economic, political and geopolitical causes of those violations. He should be aided by a team of experts to determine responsibilities, including those of individuals and foreign countries, if necessary, with regard to the atrocities committed, and recommend ways of preventing their perpetrators, accomplices and instigators from going unpunished. The Commission should also demand that the military support provided by certain Powers to those dictatorial regimes that still remained in Africa should be ended, that the assets and property held abroad by the leaders of those regimes - who had amassed huge fortunes by exploiting their people - should be seized, that the foreign debt of the poorest countries should be cancelled and that Africa should be given massive assistance in the health and economic sectors. In conclusion, he said that the special session should not be used simply to appoint a special rapporteur and organize technical assistance in the field of human rights. The Commission should also use the opportunity to look into the economic, social and cultural problems facing Africa.

56. Ms. GONZALES (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that the genocide currently taking place in Rwanda had been premeditated and was being carefully executed, stage by stage. The successive waves of killings that had preceded the current genocide had been denounced by various human rights defence organizations and, in August 1992, the Sub-Commission had decided to transmit the Rwanda file to the Commission. At the Commission's 1993 session, various non-governmental organizations had again sounded the alarm regarding the dangers threatening the country. Three of those organizations had submitted to the Commission the findings of an International Commission of Inquiry that they had held in Rwanda. They had, in particular, denounced the slaughter taking place in the country. The Rwandese delegation had, quite cleverly, deflected action by inviting the Special Rapporteur on summary executions to visit Rwanda.

57. A year later, at the Commission's fiftieth session, the NGOs had repeated their warning. The Special Rapporteur on summary executions had submitted a report clearly establishing the responsibilities of the armed forces of Rwanda in general and the militias and Presidential Guard in particular. At the end of his report, the Special Rapporteur had addressed a series of recommendations to the Rwandese Government, asking in particular for the immediate establishment of a mechanism to protect the population against massacres, for support to be given to the local NGOs working to protect human rights, for a national reconciliation campaign to be launched, for a reform of the judicial system to be begun, for impartial and objective inquiries to be made into the massacres, for all organizations using violence to be disbanded and for impunity and arbitrary detentions to be brought to an end.

58. Unfortunately, the Commission had decided to keep the case of Rwanda under review for one more year. Only 25 days later the most atrocious war of the century had broken out. The international community had failed in its duty to prevent that bloodbath when there had still been a chance to do so. She wondered whether it was trying to atone for its failure by convening a special session. In any event, it should take immediate and effective decisions to put an end to the killings. If there was a genuine political will to end the war, the first thing to do was to listen to the parties in conflict. It was impossible to have an objective idea of the causes of the tragedy with only one version of the facts.

59. Mrs. BRUCE (International Catholic Child Bureau) drew the attention of the Commission on Human Rights to the plight of children, who as usual were the innocent victims of a conflict between adults. No one knew how many had been killed, and many of those who had escaped death had become orphans and were facing life alone. The children still alive needed not only emergency measures to meet their physical requirements but also programmes to address the trauma caused by the atrocities they had witnessed. Measures taken for the benefit of Rwandese children should thus give priority to their psychological needs.

60. One of the partner agencies of the International Catholic Child Bureau, together with other NGOs, was planning for a possible influx of Rwandese refugees. ICCB's counsellors on the spot were preparing to give emergency counselling to the new refugees, who had suffered indescribable trauma, and, in particular, the unaccompanied children who might arrive with them. She urged the Commission on Human Rights to act promptly so that the populations which had suffered so greatly - in mind and in body - would receive the care to which they were entitled.

The meeting rose at 1 p.m.